

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CURTIS W. ACTON, derivatively on)
behalf of TierOne Corporation,)

Plaintiff,)

v.)

4:10CV3104

JAMES A. LAPHEN, GILBERT G.)

LUNDSTROM, MICHAEL FALBO,)

CHARLES W. HOSKINS,)

CAMPBELL R. MCCONNELL,)

JOYCE PERSON POCRAS, SAMUEL)

BAIRD, JAMES MCCLURG, JAMES)

STRAND, and TIERONE)

CORPORATION,)

Defendants.)

MEMORANDUM AND ORDER

The plaintiff's Verified Shareholder Derivative Complaint on behalf of TierOne Corporation was filed in this forum on May 28, 2010. Filing No. 1. TierOne was served on June 7, 2010, and it filed a Chapter 7 bankruptcy petition on June 24, 2010. See In re TierOne Corporation, case no. 10-bk-41974-TLS (Bankr. Ne. June 24, 2010).

Accordingly,

IT IS ORDERED that the plaintiff is given until July 21, 2010 to either file a Suggestion of Bankruptcy or show cause why this case is not subject to a bankruptcy stay.

DATED this 7th day of July, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge